



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,245	03/27/2001	Naoaki Horiuchi	041465-5104	8060

9629 7590 12/16/2003
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,245

Applicant(s)

HORIUCHI ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

SAM RIMELL
PRIMARY EXAMINER

Art Unit: 2175

The specification is objected to for not being drafted in proper idiomatic English, as it includes numerous run-on sentences. For example, on page 2, each of the first and second paragraphs are single sentences. All of page 4 is a single sentence. These are only examples. Applicant is required to review the entire specification and correct the text therein so as to eliminate the various run-on sentences.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (U.S. Patent 6,243,713).

Claim 1: Nelson et al. discloses an AV information accumulating device in the form of a database (col. 5, lines 19-20; see FIG. 2) which contains documents (100) having text, image, video and audio. These types of data are associated with each other by being combined on a single document.

Nelson et al. also includes a characteristic accumulating device in the form of a data index (140 in FIG.2) which accumulates text, image, video and audio characteristics associated with each multi-media document (100).

Art Unit: 2175

A user input device (col. 5, line 26) reads as the inputting device for inputting search characteristics.

The component separator (160; see FIG. 2) reads as the example inputting device since it inputs specific subcomponents of the query data. Each subcomponent (such as audio or video) reads as an “example”.

The data retrieval processing software (104; see FIG. 2) reads as the extracting device since this systems extracts data from the component separator (160). This data includes the inputted example information.

The searching and outputting system (190, 200 and 210) reads as the outputting device since it performs the searching of the AV information based on the extracted example information. The search results are then output to an “exterior”, namely, a user interface.

Claim 2: The query generating subsystem (190) reads as the corresponding information accumulating device since it correlates all of the input search query information and the example information together to produce a search query expression.

The search and score subsystem (200) reads as the searching device for performing the search. The system uses the characteristic information accumulating device (index 140) to complete the search.

The outputting device is the collection of the query generating subsystem (190), the search and score subsystem (200) and the search results output system (200).

Claim 3: The example inputting device (component separator 160) is used to input different and plural types of example information to the retrieval software. For example, the example inputting device (160) can input combinations of text, image, video and audio into the

retrieval software. The extracting device (retrieval software 104) extracts this data from the example inputting device (104).

Claim 4: See remarks for claim 3.

Claim 5: The outputting device (190; 200; 210) outputs the audio visual information associated with the extracted example information and sends that information to an "exterior" (the user interface). The output data can be any one of combinations of text, image, video and audio.

Claim 6: See remarks for claim 5.

Claim 7: FIG. 1a illustrates a compound document that includes voice data (101c). The user input device (col. 5, line 26) therefore must include a voice receiving device (any system capable of receiving voice data) since this type of data must be input from the compound document shown in FIG. 1a.

Claim 8: See remarks for claim 7.

Claim 9: See remarks for claim 7.

Claim 10: See remarks for claim 7.

Claim 11: See remarks for claim 1. Note that claim 11 includes all of the claimed features set forth in claim 1 but does not list the AV accumulating device. The system of Nelson et al. is based on a computer processing program.

Claim 12: See remarks for claim 2.

Claim 13: See remarks for claim 3.

Claim 14: See remarks for claim 3.

Claim 15: See remarks for claim 5.

Art Unit: 2175

Claim 16: See remarks for claim 5.

Claim 17: See remarks for claim 7.

Claim 18: See remarks for claim 7.

Claim 19: See remarks for claim 7.

Claim 20: See remarks for claim 7.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175